

**U.S. Department of the Interior
Bureau of Land Management**

**Decision Record -
Memorandum**

DOI-BLM-WY-R050-2016-0032-EA

**Gunyan Mike Claim Placer Plan of
Operations**

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
Lander Field Office,
Wyoming



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Gunyan – Mike Claim Placer Plan of Operation

Table of Contents

1.	Introduction.....	1
2.	Decision	1
2.1.	Conformance with Resource Management Plan and Land Use Plan.....	1
2.2.	National Policy.....	1
2.3.	Agency Statutory Requirements	1
2.4.	Relevant Resource and Economic Issues.....	1
2.5.	Application of Measures to Avoid of Minimize Environmental Impacts	2
2.6.	Compliance and Monitoring	2
2.7.	Opportunity for Public Involvement	2
2.8.	Finding of No Significant Impacts.....	2
2.9.	Opportunity for Protest and Appeal	3
3.	Approval from Authorized Official:	4

1. Introduction

Richard Gunyan submitted a Plan of Operations for placer mining of gold near Crow's Nest Gulch on the Mike #1 claim located in E2NWNE Sec. 15, T. 29N., R.99W., 6th P.M., Fremont County, Wyoming. The attached Environmental Assessment (EA, DOI-BLM-WY-R050-2016-0032-EA) analyzes and discloses the impacts associated with the submittal including a discussion on alternatives.

2. Decision

It is my decision to authorize the Gunyan – Mike Claim Placer Plan of Operations as proposed subject to conditions of approval as described in the Proposed Action and EA based on the following rationale.

2.1. Conformance with Resource Management Plan and Land Use Plan

Current policies for development and land use decisions within this area are contained in the Lander Record of Decision and Approved Resource Management Plan, June 26, 2014 (Lander RMP). The Lander RMP allows for exploration and development of locatable minerals in areas open to mineral entry under the Mining Law, as amended, subject to conditions or mitigations as appropriate to prevent undue or unnecessary degradation of public lands.

2.2. National Policy

The Plan of Operations is authorized under the 43 CFR 3809 Surface Management regulations. These regulations allow for development of mineral on public lands that are located under the Mining Laws of the United States, as amended. The BLM is required to respond to proposals under the Surface Management regulations as allow for development of locatable minerals as long as undue or unnecessary degradation is prevented. Therefore, the decision is consistent with national policy.

2.3. Agency Statutory Requirements

The decision is consistent with all federal, state, and county authorizing actions required to implement the proposed action including FLPMA and 43 CFR 3809. All pertinent statutory requirements applicable to this proposal were considered including whether informal consultation and formal conferencing with the U.S. Fish and Wildlife Service (USFWS) was required (not required). Cultural surveys and compliance with Section 106 of the National Historic Preservation Act were conducted. The BLM archaeologist confirmed that no tribal consultation was required.

2.4. Relevant Resource and Economic Issues

Potential environmental impacts from the proposed activities to resources identified in the EA are all deemed less than significant subject to mitigation or conditions of approval. The economic benefits derived from the implementation of the Proposed Action to the proponent and the right to explore and develop his mining claims is considered important. The BLM has determined that the consent to the Plan of Operations Modification will not lead to the listing of any species under the Endangered Species Act.

2.5. Application of Measures to Avoid of Minimize Environmental Impacts

Federal environmental protection laws, such as the Clean Air Act, and the National Historic Preservation Act, apply were considered in development of the EA. The adoption of design features or mitigation measures provides practicable means to avoid or minimize potential environmental impacts.

2.6. Compliance and Monitoring

Monitoring will be done by the area Geologist or Surface Compliance Technician in coordination with the Wyoming Department of Environmental Quality — Land Quality Division to ensure compliance with this authorization.

2.7. Opportunity for Public Involvement

The public was notified of the availability of the Plan of Operations and EA and given a 30 day comment period. No comments were received. BLM staff specialists reviewed the proposal and identified impacts and appropriate mitigation measures through involvement with the EA and through resource clearance requests. Additionally, the EA will be made available on the BLM ePlanning website.

2.8. Finding of No Significant Impacts

I have determined that the authorization will not cause any significant impacts on the human, natural, and physical environment considering the factors identified in 40 CFR 1508.27(b) and described below. Therefore, an environmental impact statement is not required.

1. The context of the action is limited to the analysis area defined per each resource.
2. The project will positively respond to the proponent's needs.
3. There are no unique characteristics of the geographic area such as those described in the applicable regulation.
4. The public generally supports recreational gold mining in the Atlantic City area so there is no controversy regarding the action.
5. The effects of the action are well known, and there are no unique or unknown risks. The proponent has successfully operated this mine for several years with few issues.
6. The approval is unrelated to any future decisions or actions. Future authorizations will be evaluated independently of this approval.
7. As discussed in the EA, there are no anticipated cumulative effects which would increase the impact of the proposed action to exceed significance.
8. The BLM archaeologist determined that the approval will not adversely impact National Register eligible items, and that the required stipulation will protect unknown items that are discovered during construction.
9. The BLM wildlife biologist determined that there are no critical threatened or endangered species or designated critical habitat that would be adversely affected by the decision.
10. The proposed action does not violate any federal, state, or local law or any environmental protections.

2.9. Opportunity for Protest and Appeal

If you are adversely affected by this decision, you may request that the Wyoming BLM State Director review this decision. If you request a State Director Review, the request must be received in the Wyoming BLM State Office at P.O. Box 1828, Cheyenne, WY 82003-1828, no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director Review is pending, unless a stay is granted by the State Director. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM State Office to determine when BLM received the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your Notice of Appeal with this office at the Lander Field Office, 1335 Main Street, Lander, Wyoming 82520 which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 3809.801(a)(1). Your Notice of Appeal must be filed with the Lander Field Office, 1335 Main Street, Lander, Wyoming 82520 within 30 days from receipt of this decision. As the appellant, you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA.

This decision will remain in effect while the IBLA reviews the case, unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision, to the IBLA, and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

3. Approval from Authorized Official:

Signature

Rick VanderVoet

Field Office Manager

Lander Field Office

Date